

1                                   **IN THE UNITED STATES DISTRICT COURT**  
2                                   **FOR THE DISTRICT OF ALASKA**

3  
4       UNITED STATES OF AMERICA,

5                                   Plaintiff,

6                                   v.

7       JAMES ANTHONY SCHWARZ,

8                                   Defendant.

Case No. 3:23-cr-00091-RRB-KFR-5

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10                           **FINAL REPORT AND RECOMMENDATION UPON A PLEA OF GUILTY**

11           Upon Defendant's request to enter a guilty pleas, pursuant to Rule 11 of the Federal  
12 Rules of Criminal Procedure, to Count 2 of the Indictment, charging a violation of 21 U.S.C.  
13 §§ 846 and 841(a)(1), (b)(1)(C), Conspiracy to Distribute and Possess with Intent to Distribute  
14 Controlled Substances, and Count 14, a violation of 18 U.S.C. § 1956(h), Money Laundering  
15 Conspiracy, [Doc. 4], the District Court referred this matter to the Magistrate Judge, with the  
16 written and verbal consents of Defendant, counsel for Defendant, and counsel for the United  
17 States.

18           Thereafter, the matter came before this Court for a hearing on Defendant's guilty pleas,  
19 in full compliance with Rule 11, Federal Rules of Criminal Procedure, in open court and on the  
20 record. Defendant entered his pleas pursuant to Fed. R. Crim. P. 11(c)(1)(A) and (B). The  
21 government agreed not to prosecute Defendant further for the conduct that led to the charged  
22 offense and to dismiss Count 5 after sentencing. The government agreed to recommend a  
23 sentence "no higher than the low end of the guideline range as determined by the Court at  
24 sentencing."

25           In consideration of that hearing and the colloquy made by Defendant under oath, on  
26 the record, in the presence of counsel, and the remarks of the Assistant United States Attorney,

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1           **B. I further FIND:**

- 2           1. Defendant is competent to enter an informed plea;
- 3           2. Defendant is aware of their rights and has had the advice of legal counsel;
- 4           3. That the pleas of guilty by Defendant have been knowingly and voluntarily made
- 5           and are not the result of force, threats, or coercion;
- 6           4. Any agreements or promises which induced the pleas of guilty are set forth in
- 7           the written plea agreement or on the record; and
- 8           5. That there is a factual basis for Defendant's pleas.

9           **C. I RECOMMEND:**

10          ☒ That the District Court accept Defendant's plea of guilty to Count 2, 21 U.S.C. §§

11           846 and 841(a)(1), (b)(1)(C), Conspiracy to Distribute and Possess with

12           Intent to Distribute Controlled Substances; and Count 14, a violation of 18

13           U.S.C. § 1956(h), Money Laundering Conspiracy.

14          ☐ That the District Court accept Defendant's admission to the Criminal Forfeiture

15           Allegation.

16          **D. IT IS ORDERED:**

17          That a Presentence Report be prepared by the U.S. Probation Office.

- 18          1. Any objection(s) to the presentence report shall be filed no later than fourteen
- 19           (14) days after receiving the presentence report (Fed. R. Crim. P. 32(f)(1));
- 20          2. Any sentencing memorandum shall be filed no later than seven (7) business days
- 21           prior to sentencing (D.Ak. L.Cr.R. 32.1(d)).

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1 The Sentencing hearing will be set before the United States District Judge. The Court  
2 excludes time from May 5, 2025, until the time of sentencing pursuant to 18 U.S.C.  
3 §3161(h)(1)(G) on the grounds that the District Judge will be considering the proposed plea  
4 agreement.

5 DATED this 5th of May 2025, at Anchorage,

6  
7  s/ Kelli J. Kinnison  
8 Kelli J. Kinnison  
9 United States District Judge  
District of Alaska

10 This Report and Recommendation is being issued as a Final Report and  
11 Recommendation. Pursuant to Fed. R. Crim P. 59(b)(3), any objections will be considered by  
12 the District Court Judge who will accept, reject, or modify the recommendation following de  
13 novo review. Any objections must be filed within seven (7) days from the date of service of  
14 this Report and Recommendation. The shortened objection deadline is due to the request of  
15 the District Court Judge. Fed. R. Crim P. 59(b)(2) and D. Ak. L.M.R. 6(a) authorizes the court  
16 to alter the standard objection deadlines.

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18 Reports and recommendations are not appealable orders. Any notice of appeal  
19 pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the District Court's  
20 judgment.<sup>2</sup>

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28 <sup>2</sup> See *Hilliard v. Kincheloe*, 796 F.2d 308 (9th Cir. 1986).